



Customer No. 26308

PATENT

DAC/H

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John A. Macoviak
Serial No.: 09/666,617
Filed: 20 September 2000
For: Heart Valve Annulus Device and Method of Using Same

Examiner: A. Stewart
Group Art Unit: 3738

#12

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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26308

PATENT TRADEMARK OFFICE

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A terminal disclaimer should not accompany a petition based on unintentional abandonment. Notice of July 9, 1985 (1056 O.G. 60-61).

1. This application became abandoned on April 11, 2003.

NOTE: Extensions under 37 CFR 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of S 1.136 can no longer be used then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival.

2. This petition is filed:

within one year of the date of abandonment.
 within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
 the three month period has been extended up to _____.

3. This application became abandoned unintentionally. The entire delay, from the due date for the reply, until the filing of a grantable petition was unintentional (37 CFR 1.137(b)).

4. Proposed response

has been filed.
 is attached.
 the response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee 37 CFR 1.17(m))

Application status is:

small business entity-fee \$665.00
 other than small entity-fee \$1,330.00

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CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Judith Dunaway

(TYPE OR PRINT NAME OF PERSON MAILING PAPER)

(Signature)

Date 10/28/2003

6. Payment of fee:

- Enclosed please find check for
[] \$1,330.00 (Large Entity)
 \$ 665.00 (Small Entity)
 Charge Account 06-2360 for any additional fee required.
 Charge Account _____ the sum of []\$ 665.00 / []\$ 1,330.00.
A duplicate of this petition is attached.

7. Verification:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 28 October 2003



SIGNATURE OF ATTORNEY

Reg. No.: 29,243

Daniel D. Ryan

(TYPE OR PRINT NAME OF ATTORNEY)

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